

JUN 28 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

IN RE APPLICATION

OF: GEWEHR ET AL.
SERIAL NO. 10/616,950
FILED: JULY 11, 2003
FOR: FUNGICIDAL USEDOCKET NO.: AM200040
CONFIRMATION NO.: 2161
GROUP ART UNIT: 1616
EXAMINER: SABIHA N. QAZIHonorable Commissioner
for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

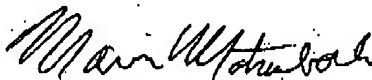
Sir:

I hereby certify that this correspondence is being
facsimile transmitted on the date indicated below to
Commissioner of Patents and Trademarks, Alexandria,
Va 22313-1450, at: (571) 273-8300Extension No.
or is being deposited with the United States Postal
Service with sufficient postage as first class mail
in an envelope addressed to Commissioner for Patents
and Trademarks, Alexandria, Va 22313-1450,
on:Date of Transmission/Deposit: June 28, 2006
Person Making Transmission/Deposit: MOSIOLEK
Signature: Mosiolek

1. ☒ NOTICE OF APPEAL: Applicant hereby appeals to the Board of Appeals from the decision dated February 28, 2006 of the Primary Examiner rejecting Claims 1, 2, 4 and 5.
2. ☐ BRIEF ON APPEAL in this application is transmitted herewith.
☐ Applicants hereby request an Oral Hearing.
3. ☒ Applicants hereby request entry of their timely reply of even date with this Notice for purposes of appeal.
4. ☒ Applicants hereby petition for a -/- month extension of time under 37 C.F.R. §1.136(a).
☐ A petition for a -/- month extension of time including the requisite fee of -/- has been submitted along with the reply under 37 C.F.R. §1.116 dated -/-.
5. ☒ The following fee(s) in the amount of -\$620.00- is(are) paid by credit card (Form PTO-2038 enclosed):
☒ The \$ 500.00 fee required under 37 C.F.R. §41.20(b)(1).
☒ The \$ 120.00 fee required under 37 C.F.R. §1.17(a).
☐ Charge the following fee(s) in the amount of -/- to Deposit Account No. 14.1437:
☐ The -/- fee required under 37 C.F.R. §41.20(b)(1).
☐ The -/- fee required under 37 C.F.R. §1.17(a).
☐ A fee is not required (Fee paid in prior appeal).
6. ☒ The Commissioner is hereby authorized to charge any fee which may be further required, or credit any over payment, to Deposit Account No. 14.1437. A duplicate copy of this sheet is attached.

Respectfully submitted,

NOVAK DRUCE DELUCA & QUIGG



Marvin A. Motsenbocker

Reg. No. 36,614

MAM/BAS

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